

Waivers	First Name	Last Name	Claim Number
			W-15-0002
Amount	OGC Received Date	Assigned To	Assigned Date
\$432.62	02/05/2015	Richard Feldman	02/24/2015
EPA Decision	EPA Decision Date	Amount Approved	Status
DENIED	03/12/2015	CLOSED	
Appeal	Comments		
No	Package incomplete; advised Penny Thompson in HR in RTP what is needed		
Type			
Federal Employee Health Benefits (FEHB)			

Attachments

[REDACTED],

This email is in response to your Waiver/Remission of Indebtedness Application dated January, 17, 2015 wherein you request approval of a waiver for the gross amount of \$432.62. For the reason set forth herein, this debt cannot be considered for waiver; effectively, your request for waiver is denied. However, by copy of this email, I am requesting that a responsible official in the Office of Financial Services consider this debt for termination or compromise based on a financial inability to pay.

Briefly stated, you were informed by EPA in December 2014 that you were indebted in the amount of \$432.62 for the "nonpayment of Federal Employees Health Benefits [FEHB] premiums . . . for the pay periods ending June 14, 2014 and June 28, 2014." In fact, the record available to me indicates that you were absent from work and placed in a leave without-pay status for the entire period of time covered by this debt. You separated from federal service on June 27, 2014. During this time period, and as a result of your non-pay status, the EPA paid your FEHB premiums.

Section 5584 of Title 5 of the United States Code provides the authority to waive an agency's claim for erroneous payments of pay and certain allowances made to federal employees, if collection of the claim would be against equity and good conscience and not in the best interest of the United States. Generally, these criteria are met by a finding that a claim arose from an administrative pay error with no indication of fraud, fault, misrepresentation, or lack of good faith on the part of the employee. Waiver is precluded if the employee is aware or should have been aware that he/she was being overpaid. B-271308, April 18, 1996. This is because an employee who has knowledge of a pay error or who should have been aware of a pay error is deemed to be at fault.

The statute, as described above, concerns overpayments of pay or certain allowances made by an agency that are deemed to be "erroneous."

Here, the Agency paid your FEHB premiums on your behalf because of your non-pay status. However, the waiver authority of 5 U.S.C. 5584 is limited to those claims which arise from erroneous payments. Because you were in a non-pay status, the Agency did not make any erroneous payments to you during that time; you were not overpaid. Consequently, this debt may not be considered for waiver under 5 U.S.C. 5884. B- 244575, December 11, 1991.

I trust this email is responsive to your claim and I regret a more favorable reply cannot be made. Under 40 C.F.R. part 13.11(e)(iii), I have the delegated authority to waive all or part of the interest, penalty, and administrative charges which have accrued on this debt. In this regard, I am directing that EPA to waive any portion that will be collected attributable to interest, penalty, and administrative charges.

By copy of this email to Leonice Stewart at EPA, I am advising that the collection of this debt could proceed consistent with this email. However, the record discloses that your situation could lead to EPA, perhaps, compromising or terminating this debt. Therefore, I am requesting that the Office of Financial Services consider this debt for termination or compromise based on a determination that you may not have the financial ability to pay the debt.

Richard Feldman
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